



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

December 15, 2020

Mr. Dan Swenson
USACE, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, MD 21201
via electronic mail: Daniel.P.Swenson@usace.army.mil

Mr. Todd Schaible
USACE, Philadelphia District
Regulatory Branch
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107
via electronic mail: Todd.A.Schaible@usace.army.mil

Re: Proposed Nationwide Permits Reissuance, Water Quality Certification Request, AI # 168223, 20-WQC-0050

Dear Mr. Swenson and Mr. Schaible:

This is in response to the U.S. Army Corps of Engineers (ACOE), Baltimore and Philadelphia District requests for water quality certification (WQC) under Section 401 of the Clean Water Act and coastal zone consistency determination pursuant to Section 307(c)(3)(A) of the Federal Coastal Zone Management Act of 1972, as amended, (CZMA) for the reissuance of the Nationwide Permits, SPN-20-62 (NWP). Your requests were submitted to the Maryland Department of Environment (MDE) on October 15, 2020 for WQC and on September 25, 2020 (Philadelphia) and September 30, 2020 (Baltimore) for CZMA, noting a 90-day decision timeframe. MDE notified ACOE on October 8, 2020 that the CZMA submission was missing information. On October 15, 2020, ACOE submitted the missing CZMA information to MDE. The ACOE determined at the time of the WQC request that December 15, 2020 was a reasonable time for a decision to be made by Maryland for the WQC request. MDE requested additional time for the WQC and CZMA decisions on October 28, 2020. ACOE did not respond in writing to MDE's request for a more reasonable timeframe for decisions.

Enclosed you will find Maryland's conditioned Water Quality Certification and CZMA determination. Please take a moment to read and review your WQC and CZMA determination to ensure that you understand the limits of the authorized work and all of the general and special conditions.

Dan Swenson
Todd Schaible
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This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such a decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

In accordance with 15 C.F.R §930.62 a conditional CZMA determination is considered as an objection to the proposed activity if the aforementioned CZMA conditions are not acceptable to ACOE. Should ACOE object to these conditions and Maryland's consistency determination, it has 30 days from receipt of this determination to request that the Secretary of Commerce override the State's objection under 15 C.F.R. Part 930, Subpart H.

Please contact me if you have any questions. I can be reached at 410-537-3528 or by email at hnelson@maryland.gov

Sincerely,



Heather L. Nelson, Acting Manager
Wetlands and Waterways Program
Water and Science Administration

Enclosure(s):

Water Quality Certification w/Attachments

Coastal Zone Management Act Consistency Determination w/ Attachments

cc: (via electronic mail)

Beth Bachur, Regulatory Branch, USACOE Baltimore District

Michael Yost, Regulatory Branch, USACOE, Philadelphia District

Joseph Abe, DNR